

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
:
DENIS J. MONETTE
:

Plaintiff,
:

– against –
:

THE COUNTY OF NASSAU,
:

Defendant.
:
-----X

VERDICT SHEET
11-CV-539 (JFB)(AKT)

PART I. LIABILITY

CLAIM ONE: DISABILITY DISCRIMINATION UNDER THE ADA

1. a. Did plaintiff prove, by a preponderance of the evidence, that he was “disabled” within the meaning of the ADA, as was defined in the Court’s instructions?

Yes _____ No _____

- b. Did plaintiff prove, by a preponderance of the evidence, that he had a “record of disability” within the meaning of the ADA, as was defined in the Court’s instructions?

Yes _____ No _____

[If your answer to Question 1.a and/or 1.b is “Yes,” proceed to Question 1.c. If your answer to both is “No,” proceed to Question 2.]

- c. Did plaintiff prove, by a preponderance of the evidence, that the County of Nassau had knowledge of plaintiff’s disability, as was defined in the Court’s instructions?

Yes _____ No _____

[If your answer to Question 1.c is “Yes,” proceed to Question 1.d. If your answer is “No,” proceed to Question 2.]

- d. Did plaintiff prove, by a preponderance of the evidence, his claim that the County of Nassau discriminated against him based upon his disability, in connection with his transfer and/or termination?

Yes _____ No _____

CLAIM TWO: RETALIATION UNDER THE ADA

2. Did plaintiff prove, by a preponderance of the evidence, his claim that the County of Nassau terminated plaintiff as Assistant Commissioner of Police in retaliation for his complaints of disability discrimination?

Yes _____ No _____

CLAIM THREE: HOSTILE WORK ENVIRONMENT UNDER THE ADA

3. Did plaintiff prove, by a preponderance of the evidence, his claim that the County of Nassau subjected him to a hostile work environment because of his disability?

Yes _____ No _____

CLAIM FOUR: SECTION 1983 CLAIM

4. Did plaintiff prove, by a preponderance of the evidence, his claim that the County of Nassau retaliated against him by terminating him based on his political association, in violation of plaintiff's rights under the First Amendment?

Yes _____ No _____

[If you answered "No" to each of Questions 1.d through 4, then leave all the remaining questions blank, sign and date this verdict sheet, and inform the Courtroom Deputy that your deliberations are complete and that you have reached a verdict. If you answered "Yes" to Question 4, proceed to Question 5. If you answered "No" to Question 4 but "Yes" to any of Questions 1.d through 3, proceed to Part II, Question 6, concerning damages.]

5. Did the County of Nassau prove, by a preponderance of the evidence, that it would have terminated plaintiff on the same day even if his political association had never changed?

Yes _____ No _____

[If you answered "Yes" to Question 5, and "No" to Questions 1.d through 3, leave all the remaining questions blank, sign and date this verdict sheet, and inform the Courtroom Deputy that your deliberations are complete and that you have reached a verdict. If you answered "No" to Question 5, and "Yes" to any of Questions 1.d through 4, proceed to Part II, question 6, concerning damages.]

PART II. DAMAGES

Compensatory Damages

6. State the amount, if any, that you award the plaintiff for compensatory damages (if you decide not to make an award as to this item, insert the word "None"):

\$ _____

[If you awarded no damages in Question 6, then proceed to Question 7. Otherwise, skip Question 7, sign and date this verdict sheet, and inform the Courtroom Deputy that your deliberations are complete and that you have reached a verdict.]

Nominal Damages

7. State the amount you award the plaintiff in nominal damages:

\$ _____

Please sign and date the verdict sheet, and inform the Courtroom Deputy that your deliberations are complete and that you have reached a verdict.

Foreperson

Dated: Central Islip, New York

_____, 2014